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8 JASON MCCLAIN,
9 Plaintiff,
10 v.
11 D. SCOTTINI,
12 Defendant.

Case No. 22-cv-05238-VKD

ORDER OF TRANSFER

Re: Dkt. No. 2

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14 Plaintiff Jason McClain, a state inmate proceeding *pro se*, filed a civil rights complaint
15 under 42 U.S.C. § 1983 against Correctional Officer D. Scottini at California State Prison –
16 Sacramento, where Mr. McClain was previously incarcerated.¹ Dkt. No. 1 at 2. Mr. McClain
17 claims Officer Scottini sexually abused him on June 2, 2022. *Id.* at 3. Because the acts
18 complained of occurred in Sacramento County, which lies within the venue of the Eastern District
19 of California, *see* 28 U.S.C. § 84(b), and because defendant likely resides in that district as well,
20 venue properly lies in the Eastern District of California and not in this district. *See* 28 U.S.C.
21 § 1391(b). This Court has discretion to either dismiss the case for incorrect venue or transfer it to
22 the proper federal court “in the interest of justice.” *See* 28 U.S.C. § 1406(a). The Court concludes
23 that the interest of justice is best served by transfer, and accordingly orders the case
24 TRANSFERRED to the United States District Court for the Eastern District of California.

25 The Clerk of the Court shall terminate all pending motions and transfer the entire file to the
26 Eastern District of California.
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1¹ Mr. McClain is currently housed at C.S.P. – Los Angeles County. Dkt. No. 1 at 1.

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IT IS SO ORDERED.

Dated: September 15, 2022

Virginia K. DeMarchi
VIRGINIA K. DEMARCHE

VIRGINIA K. DEMARCHE
United States Magistrate Judge

United States District Court
Northern District of California